

Union Calendar No. 363

109TH CONGRESS
2D SESSION

H. R. 2069

[Report No. 109-623]

To authorize the exchange of certain land in Grand and Uintah Counties,
Utah, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2005

Mr. CANNON (for himself, Mr. BISHOP of Utah, and Mr. MATHESON) introduced the following bill; which was referred to the Committee on Resources

SEPTEMBER 6, 2006

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To authorize the exchange of certain land in Grand and
Uintah Counties, Utah, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Utah Recreational
5 Land Exchange Act of 2005”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) the area surrounding the Colorado River in
4 Grand County, Utah, and Dinosaur National Monu-
5 ment and the Book Cliffs in Uintah County, Utah,
6 contains nationally recognized scenic vistas, signifi-
7 cant archaeological and historic resources, valuable
8 wildlife habitat, and outstanding opportunities for
9 public recreation that are enjoyed by hundreds of
10 thousands of people annually;

11 (2) the State of Utah owns multiple parcels of
12 land in the area that were granted to the State
13 under the Act of July 16, 1894 (28 Stat. 107, chap-
14 ter 138), to be held in trust for the benefit of the
15 public school system and other public institutions of
16 the State;

17 (3) the parcels of State trust land are largely
18 scattered in checkerboard fashion amid the Federal
19 land comprising the area of the Colorado River cor-
20 ridor, the Dinosaur National Monument, and the
21 Book Cliffs;

22 (4) the State trust land in the area of the Colo-
23 rado River corridor, Dinosaur National Monument,
24 and the Book Cliffs includes significant natural and
25 recreational features, including—

1 (A) portions of Westwater Canyon of the
2 Colorado River;

3 (B) the nationally recognized Kokopelli
4 and Slickrock trails;

5 (C) several of the largest natural rock
6 arches in the United States;

7 (D) multiple wilderness study areas and
8 proposed wilderness areas; and

9 (E) viewsheds for Arches National Park
10 and Dinosaur National Monument;

11 (5) the large presence of State trust land lo-
12 cated in the Colorado River corridor, Dinosaur Na-
13 tional Monument, and the Book Cliffs area makes
14 land and resource management in the area more dif-
15 ficult, costly, and controversial for the United States
16 and the State of Utah;

17 (6) although the State trust land was granted
18 to the State to generate financial support for public
19 schools in the State through the sale or development
20 of natural resources, development of those resources
21 in the Colorado River corridor, Dinosaur National
22 Monument, and the Book Cliffs area may be incom-
23 patible with managing the area for recreational, nat-
24 ural, and scenic resources;

1 (7) the United States owns land and interests
2 in land in other parts of the State of Utah that can
3 be transferred to the State in exchange for the State
4 trust land without jeopardizing Federal management
5 objectives or needs; and

6 (8) it is in the public interest to exchange feder-
7 ally owned land in the State for the Utah State trust
8 land located in the Colorado River Corridor, Dino-
9 saur National Monument, and the Book Cliffs area,
10 on terms that are fair to the United States and the
11 State of Utah.

12 (b) PURPOSE.—It is the purpose of this Act to au-
13 thorize, facilitate, and expedite the exchange of certain
14 Federal land and non-Federal land in the State to further
15 the public interest by—

16 (1) exchanging Federal land that has limited
17 recreational and conservation resources; and

18 (2) acquiring State trust land with important
19 recreational, scenic, and conservation resources for
20 permanent public management and use.

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) FEDERAL LAND.—The term “Federal land”
24 means the approximately _____ acres of Federal

1 land located in Grand and Uintah Counties, Utah,
2 as generally depicted on the map.

3 (2) MAP.—The term “map” means the map en-
4 titled “Utah Recreational Land Exchange-Offered
5 Lands” and dated October 2004.

6 (3) NON-FEDERAL LAND.—The term “non-Fed-
7 eral land” means—

8 (A) the approximately _____ acres of
9 State trust land located in the Colorado River
10 corridor in Grand County, Utah, as generally
11 depicted on the map;

12 (B) the approximately _____ acres of
13 State trust land located in the vicinity of Dino-
14 saur National Monument in Uintah County,
15 Utah, as generally depicted on the map; and

16 (C) the approximately _____ acres of
17 State trust land located in the vicinity of the
18 Book Cliffs area in Uintah County, Utah, as
19 generally depicted on the map.

20 (4) SECRETARY.—The term “Secretary” means
21 the Secretary of the Interior.

22 (5) STATE.—The term “State” means the State
23 of Utah, as trustee under the Utah State School and
24 Institutional Trust Lands Management Act (Utah
25 Code Ann. 53c–1–101 et seq.).

1 **SEC. 4. EXCHANGE OF LAND.**

2 (a) IN GENERAL.—If, not later than 30 days after
3 the date of enactment of this Act, the State offers to con-
4 vey to the United States title to the non-Federal land that
5 is acceptable to the Secretary, the Secretary shall—

6 (1) accept the offer; and

7 (2) on receipt of acceptable title to the non-
8 Federal land and subject to valid existing rights, si-
9 multaneously convey to the State all right, title, and
10 interest of the United States in and to the Federal
11 land.

12 (b) CONVEYANCE OF INDIVIDUAL PARCELS.—Not-
13 withstanding that appraisals for all of the parcels of Fed-
14 eral land and non-Federal land may not have been com-
15 pleted under section 5, individual parcels of Federal land
16 and non-Federal land may be exchanged under subsection
17 (a) at any time after the date on which the appraised val-
18 ues of the individual parcels are approved under section
19 5(b)(4).

20 (c) TIMING.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the exchange of land authorized by sub-
23 section (a) shall be completed not later than 330
24 days after the date on which the State makes the
25 Secretary an offer to convey the non-Federal land
26 under that subsection.

1 (2) EXTENSION.—The Secretary and the State
2 may mutually agree to extend the deadline specified
3 in paragraph (1).

4 **SEC. 5. EXCHANGE VALUATION, APPRAISALS, AND EQUALI-**
5 **ZATION.**

6 (a) EQUAL VALUE EXCHANGE.—The value of the
7 Federal land and non-Federal land to be exchanged under
8 this Act—

9 (1) shall be approximately equal; or

10 (2) shall be made approximately equal in ac-
11 cordance with subsection (c).

12 (b) APPRAISALS.—

13 (1) IN GENERAL.—The value of the Federal
14 land and the non-Federal land shall be determined
15 by appraisals conducted—

16 (A) using, where appropriate, comparable
17 sales of surface and subsurface property; and

18 (B) subject to paragraph (3), in accord-
19 ance with—

20 (i) the Uniform Appraisal Standards
21 for Federal Land Acquisitions (2002);

22 (ii) the Uniform Standards of Profes-
23 sional Appraisal Practice; and

1 (iii) section 206(d) of the Federal
2 Land Policy and Management Act of 1976
3 (43 U.S.C. 1716(d)).

4 (2) SELECTION OF APPRAISER; COSTS.—The
5 appraisals of the Federal land and non-Federal land
6 shall be conducted by 1 or more independent third-
7 party appraisers selected jointly by the Secretary
8 and the State. The United States and the State
9 shall share third-party appraisal costs equally.

10 (3) REQUIREMENTS.—During the appraisal
11 process, the appraiser shall—

12 (A) consider comparable public and private
13 sales without regard to—

14 (i) whether the land was acquired for
15 conservation or preservation purposes; or

16 (ii) the nonprofit status of the entity
17 making the acquisition; and

18 (B) if value is attributed to the land be-
19 cause of the presence of minerals subject to
20 leasing under Federal mineral leasing laws, ad-
21 just the value proportionately to reflect Federal
22 mineral revenue sharing, subject to the condi-
23 tion that the Utah School and Institutional
24 Trust Lands Administration assume the rev-

1 revenue sharing obligation of the United States
2 with respect to the land.

3 (4) REVIEW AND APPROVAL.—

4 (A) IN GENERAL.—Not later than 120
5 days after the date on which the appraiser is
6 selected under paragraph (2), the appraiser
7 shall submit to the Secretary and the State a
8 copy of the completed appraisals for review.

9 (B) APPROVAL OR DISAPPROVAL.—Not
10 later than 90 days after the date of receipt of
11 an appraisal under subparagraph (A), the Sec-
12 retary and the State shall independently ap-
13 prove or disapprove the appraisal.

14 (5) DETERMINATION OF VALUE.—

15 (A) DETERMINATION BY SECRETARY AND
16 STATE.—If the Secretary and the State are un-
17 able to agree on the value of a parcel of land,
18 the value of the parcel may be determined by
19 the Secretary and the State in accordance with
20 paragraphs (2) and (4) of section 206(d) of the
21 Federal Land Policy and Management Act of
22 1976 (43 U.S.C. 1716(d)).

23 (B) DETERMINATION BY COURT.—

24 (i) IN GENERAL.—Notwithstanding
25 any other provision of law, if the Secretary

1 and the State have not agreed on the value
2 of a parcel by the date that is 1 year after
3 the date of enactment of this Act, a Fed-
4 eral district court (including the United
5 States District Court for the District of
6 Utah, Central Division) shall have jurisdic-
7 tion to determine the value of the parcel.

8 (ii) LIMITATION.—An action to deter-
9 mine the value of a parcel under clause (i)
10 shall be brought not earlier than 1 year,
11 but not more than 3 years, after the date
12 of enactment of this Act.

13 (c) EQUALIZATION OF VALUES.—

14 (1) SURPLUS OF NON-FEDERAL LAND.—If after
15 completion of the appraisal and dispute resolution
16 process under subsection (b), the value of the non-
17 Federal land exceeds the value of the Federal land,
18 the State shall remove parcels of non-Federal land
19 from the exchange until the value of the Federal
20 land and non-Federal land is approximately equal.

21 (2) SURPLUS OF FEDERAL LAND.—If after
22 completion of the appraisal and dispute resolution
23 process under subsection (b), the value of the Fed-
24 eral land exceeds the value of the non-Federal land,

1 the value of the Federal land and non-Federal land
2 may be equalized by—

3 (A) the Secretary and the State removing
4 parcels of Federal land from the exchange until
5 the value is approximately equal; or

6 (B) the Secretary and the State adding ad-
7 ditional State trust land to the non-Federal
8 land, if—

9 (i) the additional land has been ap-
10 praised in accordance with an ongoing
11 Federal acquisition process or program;
12 and

13 (ii) the appraised value (as deter-
14 mined under clause (i)) has been accepted
15 by the Secretary.

16 **SEC. 6. STATUS AND MANAGEMENT OF LAND AFTER EX-**
17 **CHANGE.**

18 (a) ADMINISTRATION OF NON-FEDERAL LAND.—

19 (1) IN GENERAL.—Subject to paragraph (2)
20 and in accordance with section 206(c) of the Federal
21 Land Policy and Management Act of 1976 (43
22 U.S.C. 1716(c)), the non-Federal acquired by the
23 United States under this Act shall become part of,
24 and be managed as part of, the Federal administra-
25 tive unit or area in which the land is located.

1 (2) LIMITATION.—The payment of mineral rev-
2 enues from the non-Federal land acquired under this
3 Act shall be subject to section 35 of the Mineral
4 Leasing Act (30 U.S.C. 191).

5 (b) WITHDRAWAL OF FEDERAL LAND.—Subject to
6 valid existing rights, the Federal land is withdrawn
7 from—

8 (1) disposition under the public land laws;

9 (2) location, entry, and patent under the mining
10 laws; and

11 (3) the operation of—

12 (A) the mineral leasing laws;

13 (B) the Geothermal Steam Act of 1970
14 (30 U.S.C. 1001 et seq.); and

15 (C) the first section of the Act of July 31,
16 1947 (commonly known as the “Materials Act
17 of 1947”) (30 U.S.C. 601).

18 (c) GRAZING PERMITS.—

19 (1) IN GENERAL.—If land acquired under this
20 Act is subject to a lease, permit, or contract for the
21 grazing of domestic livestock in effect on the date of
22 acquisition, the person acquiring the land shall allow
23 the grazing to continue for the remainder of the
24 term of the lease, permit, or contract, subject to the
25 related terms and conditions of user agreements, in-

cluding permitted stocking rates, grazing fee levels, access rights, and ownership and use of range improvements.

(2) RENEWAL.—To the extent allowed by Federal or State law, on expiration of any grazing lease, permit, or contract described in paragraph (1), the holder of the lease, permit, or contract shall be entitled to a preference right to renew the lease, permit, or contract.

(3) CANCELLATION.—Nothing in this Act prevents the State from canceling a grazing permit, lease, or contract if the land subject to the permit, lease, or contract is sold, conveyed, transferred, or leased for non-grazing purposes by the State.

(4) BASE PROPERTIES.—If land conveyed by the State under this Act is used by a grazing permittee or lessee to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remaining term of the lease or permit and the term of any renewal or extension of the lease or permit.

(d) HAZARDOUS MATERIALS.—

(1) IN GENERAL.—The Secretary and, as a condition of the exchange, the State shall make avail-

1 able for review and inspection any record relating to
2 hazardous materials on the land to be exchanged
3 under this Act.

4 (2) COSTS.—The costs of remedial actions re-
5 lating to hazardous materials on land acquired
6 under this Act shall be paid by those entities respon-
7 sible for the costs under applicable law.

8 (e) HISTORIC PROPERTIES.—A conveyance of Fed-
9 eral land under this Act shall not be considered to be an
10 undertaking under section 106 of the National Historic
11 Preservation Act (16 U.S.C. 470f) if the Utah State An-
12 tiquities Act (Utah Code Ann. 9–8–301 et seq.) is in effect
13 on the date of the conveyance of the Federal land.

14 (f) PROVISIONS RELATING TO FEDERAL LAND.—The
15 exchange of land under this Act shall be considered to be
16 in the public interest under section 206(a) of the Federal
17 Land Policy and Management Act of 1976 (43 U.S.C.
18 1716(a)).

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